DETAILED ACTION

1.   This **FINAL** action is responsive to the amendment filed on 5/10/2011.

2.   In the amendment Claims 1 & 3-24 are pending. Claim 2 was canceled. Claims 1, 10, 17

and 20 are the independent claims.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> (e) the invention was described in a patent granted on an application for patent by another
> filed in the United States before the invention thereof by the applicant for patent, or on an
> international application by another who has fulfilled the requirements of paragraphs (1),
> (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for
> patent.

4.   Claims 1 and 3-24 remain rejected under 35 U.S.C. 102(e) as being anticipated by Holtz

(U.S. 6,760,916, filed on Apr. 18, 2001).

Regarding Independent claims 1, 10 and 17, A method of enhancing a media file with

intrinsic supplementary content, comprising: obtaining a compressed main content media

file; obtaining a first supplementary content media file; obtaining a second supplementary

content media file; decompressing the compressed main content media file to form a

main content media file; combining the first supplementary content media file and the

second supplementary content media file with the main content media file to create a

unitary media file with supplementary content; <u>compressing the unitary media file to</u>

<u>form a compressed unitary media file; exporting the compressed unitary media file; and</u>

<u>streaming the compressed unitary media file to a client.</u>

Holtz discloses a method for enhancing a media with intrinsic supplementary content

such as advertisements, commercials and sponsorship information (see abstract). He

teaches that the media production system includes and supports video compression and

decompression devices (codecs) (see column 20, lines 20-35). He discloses Obtaining a

compressed main content media file including first and second supplementary content as

user desired program segments (see column 16, lines 15-67). Further indicating "In an

embodiment, media encoding system 140 and extended-media encoding system 155

(collectively referred to as "encoding system") utilize timeline-based technology to

multiplex media content (e.g., video segment) and metadata into a single media

stream. In an embodiment, the **<u>encoding system converts uncompressed video or</u>**

<u>audio data to compressed digital streams or files. The encoding system is</u>

<u>configurable to compress video files (e.g., avi format), audio clips (e.g., wav format),</u>

<u>and still images (e.g., bmp or jpg formats) into an MPEG format or the like. The</u>

<u>encoding system is also configurable to re-encode an existing MPEG file, or the like</u>,

to modulate the file parameters (e.g., bit rate, video dimensions, frame rates, sampling

rates, and the like). Finally, the encoding system can be configured **<u>to index or catalog</u>**

the encoded media streams, or segments of the encoded media streams. Indexing or

cataloging reduces the encoding processing time and memory requirements for future

transmissions of the same streams." (see column 25, lines 60-67 & column 26, lines 1-15). Thereby he discloses decompressing or uncompressing media content to form a main file for combining segments of programs thereby forming a customized program for the viewer as a unitary media file which is then compressed with an encoding and exported to the user for streaming (see column 8, lines 23-41).

Regarding Dependent claim 3, with dependency of claims 1, Holtz discloses wherein the first supplementary media file is an advertisement (see column 4, lines 1-40, disclosing that the first supplementary media file includes advertisement information).

Regarding Dependent claim 4, with dependency of claims 1, Holtz discloses wherein the first supplementary media file is commentary (see column 4, lines 1-40, disclosing that the first supplementary content includes interviews thereby supporting content such as commentary).

Regarding Dependent claim 5, with dependency of claims 3, Holtz discloses wherein the second supplementary media file is an advertisement (see column 4, lines 1-40, disclosing that the second supplementary media file includes advertisement information).

Regarding Dependent claim 6, with dependency of claims 3, Holtz discloses wherein the second supplementary media file is commentary (see column 4, lines 1-40, disclosing that the second supplementary content includes interviews thereby supporting content

such as commentary).

Regarding Dependent claim 7, with dependency of claims 4, Holtz discloses wherein the second supplementary media file is an advertisement (see column 4, lines 1-40, disclosing that the second supplementary media file includes advertisement information).

Regarding Dependent claim 8, with dependency of claims 1, Holtz discloses wherein combining the first supplementary media file and the second supplementary media file with the media file includes: loading the first supplementary media file and the second supplementary media file; loading the main content media file; forming a unitary file with supplementary content including the main content media file and the first supplementary media file and the second supplementary media file (see column 13, lines 3-53 & column 8, lines 15-60, disclosing loading supplementary content with a media file and then forming a unitary file in a single format which includes compressing and exporting the unitary media file).

Regarding Dependent claim 9, with dependency of claims 8, Holtz discloses wherein compressing the unitary media file with supplementary content includes encoding the unitary media file with supplementary content (see column 8, lines 15-60, disclosing, compressing the unitary file with the added segments comprising the supplementary content includes encoding the unitary media file with the content).

Regarding Dependent claim 11, with dependency of claims 10, Holtz discloses

receiving a second supplemental media file; and combining the media file with the first

supplemental media file to form a combined media file further includes combining the

media file with the first supplemental media file and the second supplemental media file

to form the combined media file (see column 4, lines 1-40, disclosing combining a first

and second supplementary content as added segments to a video content).

Regarding Dependent claim 12, with dependency of claims 10, Holtz discloses wherein

the first supplemental media file is an advertisement (see column 4, lines 1-40, disclosing

that the first supplementary media file includes advertisement information).

Regarding Dependent claim 13, with dependency of claims 10, Holtz discloses wherein

the first supplemental media file is an commentary (see column 4, lines 1-40, disclosing

that the second supplementary content includes interviews thereby supporting content

such as commentary).

Regarding Dependent claim 14, with dependency of claims 11, Holtz discloses wherein

the first supplemental media file is an advertisement and the second supplemental media

file is an advertisement (see column 4, lines 1-40, disclosing that the first and second

supplementary media file includes advertisements information thereby including more

than one).

Regarding Dependent claim 15, with dependency of claims 11, Holtz discloses wherein the first supplemental media file is commentary and the second supplemental media file is commentary (see column 4, lines 1-40, disclosing that the added segment content includes a first and second or numerous segments of the same content type such as commentaries).

Regarding Dependent claim 16, with dependency of claims 19, Holtz discloses wherein: combining the first media file with the first supplemental media file to form the combined media file includes: loading the media file; loading the first supplemental media file; forming a combined media file including the media file and the first supplemental media file; and encoding the combined media file (see column 13, lines 3-53 & column 8, lines 15-60, disclosing loading supplementary content with a media file and then forming a unitary file in a single format which includes compressing/encoding and exporting the unitary media file).

Regarding Dependent claim 18, with dependency of claims 17, Holtz discloses wherein: the processor is further to: receive a second supplemental media file; and combine the media file with the first supplemental media file and the second supplemental media file to form the combined media file (see column 4, lines 1-40, disclosing combining the media files comprising the segments to the original media file to generate the modified new file).

Regarding Dependent claim 19, with dependency of claims 18, Holtz discloses wherein the processor is operative to: load the media file; load the first supplemental media file; form a combined media file including the media file and the first supplemental media file; and encode the media file (see column 13, lines 3-53 & column 8, lines 15-60, disclosing loading supplementary content with a media file and then forming a unitary file in a single format which includes compressing/encoding and exporting the unitary media file).

Regarding Independent claim 20, An apparatus, comprising: means for receiving media files; means for combining media files; and means for exporting media files.

Holtz discloses a method for enhancing a media with intrinsic supplementary content such as advertisements, commercials and sponsorship information (see abstract). He teaches obtaining a media file and combining supplementary content to create a compressed unitary media file in a single format or reassembled/exported and streamed as a single download (see column 3, lines 40-67 & column 4, lines 1-45 & column 8, lines 10-60).

Regarding Dependent claim 21, with dependency of claims 1, Holtz discloses wherein the at least one of the <u>main content</u> media file and the <u>first supplementary media file and the second supplementary media file</u> comprises video content (see column 4, lines 1-40, wherein the content includes video files).

Regarding Dependent claim 22, with dependency of claims 1, Holtz discloses wherein at least one of the <u>main content</u> media file and the <u>first supplementary media file and the second supplementary media file</u> comprises audio content (see column 4, lines 1-40, wherein the content includes audio).

Regarding Dependent claim 23, with dependency of claims 9, Holtz discloses wherein at least one of the media file, the first supplementary media file and the second supplementary media file comprises at least one of video content and audio content (see column 4, lines 1-40, wherein the first and second segments that are added to represent the supplementary content include video and or audio content).

Regarding Dependent claim 24, with dependency of claims 1, Holtz discloses wherein: the <u>first</u> supplementary <u>media file</u> is combined with the <u>main content</u> media file such that at least a portion of a time index of the <u>first</u> supplementary <u>media file</u> overlaps with a time index of the <u>main content</u> media file (see column 4, lines 1-40, wherein the combined segments include overlapping a time index thereby generating a transition between the contents).

It is noted that any citation [[s]] to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references <u>should not be considered to be limiting in any way.</u> A reference is relevant for all it contains and

may be relied upon for all that it would have reasonably suggested to one having

ordinary skill in the art. [[See, MPEP 2123]]

Response to Arguments

5.   Applicant's arguments filed 5/10/2011 have been considered but are not persuasive.

Applicant Argues: <u>Holtz does not combine files, but rather creates a master file with</u>

<u>pointers to the original files.</u> (pg. 8, paragraph 5)

The Examiner agrees that one of several embodiments teaches linking advertisements.

However Holtz allows users to customize programs which are assembled as video

segments. Further indicating "In an embodiment, media encoding system 140 and

extended-media encoding system 155 (collectively referred to as "encoding system")

utilize timeline-based technology to **multiplex media content (e.g., video segment) and**

metadata into a single media stream. In an embodiment, the **encoding system converts**

uncompressed video or audio data to compressed digital streams or files. The

encoding system is configurable to compress video files (e.g., avi format), audio clips

(e.g., wav format), and still images (e.g., bmp or jpg formats) into an MPEG format

or the like. The encoding system is also configurable to re-encode an existing MPEG

file, or the like, to modulate the file parameters (e.g., bit rate, video dimensions, frame

rates, sampling rates, and the like). Finally, the encoding system can be configured **to**

index or catalog the encoded media streams, or segments of the encoded media streams.

Indexing or cataloging reduces the encoding processing time and memory requirements

for future transmissions of the same streams." (see column 25, lines 60-67 & column 26,

lines 1-15).

"In this embodiment, the encoding system (i.e., media encoding system 140 and

extended-media encoding system 155) **assembles the show segments** (also referred to as

elements) for the entire show (**or the selected show segments in the order indicated by**

the online user) to produce the content as a single video clip. Afterwards, the content

is continuously streamed to the requesting enhanced media clients 120 in a manner that

avoids multiple downloading." (see column 33, lines 7-45)

Thereby he discloses combining media files.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Manglesh M. Patel whose telephone number is (571) 272-5937.

The examiner can normally be reached M-W & F from 6 am-1:30 pm & TH from 6 am –4 pm .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Stephen S. Hong can be reached on (571) 272-4124. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status information

for unpublished applications is available through Private PAIR only. For more information

about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access

to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197

(toll-free).

Manglesh M. Patel
Patent Examiner (AU 2178)
7/28/2011

/Manglesh M Patel/
Manglesh Patel
Examiner, Art Unit 2178

/Stephen S. Hong/

Supervisory Patent Examiner, Art Unit 2178